

Terry Coble

From: Ehrich, Delmar R. [DEhrich@faegre.com]
Sent: Thursday, April 02, 2009 7:58 PM
To: Ward, Liza
Cc: Jorgensen, Jay T.; Baker, Fred; Xidis, Claire; rgarren@riggsabney.com; Scott McDaniel; George, Robert; Bond, Michael R.; Nicole Longwell; Vicki Bronson; John Elrod; James Graves; Woody Bassett; rsanders@youngwilliams.com; Jones, Bruce; Kleibacker Lee, Krisann C.; Theresa Noble Hill; John Tucker
Subject: RE: Payne deposition

Liza, the defendants agree to the State's offer to produce David Payne for his deposition on April 27 and 28. Note that we do not concede that two days is sufficient. Rather than continuing the email discussion from last weekend concerning the length of the deposition, however, the defendants will make best efforts to finish in two days, but if we find at the end of the second day that more time is necessary, we will address the issue at that time. If this approach is not satisfactory, let me know immediately.

Consistent with past practice, I assume the deposition will be held in Tulsa.

To be clear, the defendants do not agree that Mr. Payne may undertake any further analyses or may issue additional reports.

Del

-----Original Message-----

From: Ward, Liza [mailto:lward@motleyrice.com]
Sent: Thursday, April 02, 2009 14:04
To: Ehrich, Delmar R.
Cc: jjorgensen@sidley.com; Baker, Fred; Xidis, Claire; rgarren@riggsabney.com
Subject: Payne deposition

Delmar,
I tried to call you a couple of times, but have been unable to reach you. The State is willing to agree to offer Mr. Payne for deposition outside of the discovery window. He is available either April 27-28 or April 28-29. Please let me know as soon as possible whether these dates will work so that plans can be made accordingly.

Part of the reason that the State is making this agreement is that we believe that we still have not been provided with information that fully satisfies the Court's March 13 Order. I will raise that issue under separate cover with each of the applicable Defendants, but am on the road and don't have everyone's email addresses.

Please let me know your thoughts on the scheduling issue. I look forward to hearing from you. Thanks.

Liza

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Unless otherwise indicated or obvious from its nature, the information



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